

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 17 - 23 and 32 - 38 are pending in the application. Currently, all pending claims stand rejected.

By the present amendment, independent claim 17 has been replaced by new claim 39. Claims 18, 32, 34 - 36, and 38 have been amended to change their claim dependency. New claims 40 and 41 have been added to the application.

In the office action mailed June 26, 2008, claim 38 was rejected under 35 U.S.C. 112, second paragraph; claims 17 - 23 and 32 - 34 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S.P. 6,421,013 to Chung; claims 35 - 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of U.S.P. 6,600,420 to Goff et al.; and claim 38 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chung.

The foregoing rejections are traversed by the instant response.

With respect to the rejection of claim 38 under 35 U.S.C. 112, second paragraph, claim 38 has been amended to clarify what is being claimed - namely, that the antenna is tuned, with an impedance of 50 Ohms and with zero phase shift, to a frequency of 13.56 MHz. The claim as amended parallels the disclosure in paragraph [0018].

New claim 39, the sole independent claim in the application, is directed to a detector of articles comprising a contactless label of the RFID type, said detector comprising: at least one antenna formed of N loops and M turns wherein M and N are integers greater than or equal to 1; a plurality of substrate layers; each of said substrate layers having at least one electrical conductor segment; said at least one antenna

being formed by the at least one electrical conductor segment on a first one of said substrate layers lying in a first plane and being joined to the at least one electrical conductor segment on a second one of said substrate layers to form one of said turns; and wherein the at least one electrical conductor segment on the second one of said substrate layers lies in a second plane said second plane is not coplanar with said first plane.

New claim 39 brings to light that the detector of the present invention comprises a plurality of substrate layers with each layer comprising one segment with each segment being a part of a turn. In figure 2, these turns are shown as being piled up (items 8 - 11; segment 12) in order to obtain a narrow beam for the reading of one tag (RFID) when this tag is very close to another tag (that is explained in paragraphs [0019], [0044] and [0045].

Attached hereto is a sheet from the Chung patent to which has been added Figures A and B. These two figures show the difference between the present invention and Chung. Figure A corresponds to a circuit diagram of Figures 4 and 5 from Chung. Figure B relates to a circuit diagram according to the present invention (figure 2). These differences are due to the fact that Chung does not disclose forming an antenna from a plurality of substrate layers, each having an electrical conductor segment thereon. Chung has only a single substrate layer 20 with electrical conductor segments on it. Thus, Chung et al. does not anticipate that portion of claim 39 which calls for a plurality of substrate layers and at least one antenna being formed by the at least one electrical conductor segment on a first one of said substrate layers lying in a first plane and being joined to the at least one electrical conductor segment on a second one of said substrate layers to form one of said turns;

and wherein the at least one electrical conductor segment on the second one of said substrate layers lies in a second plane said second plane is not coplanar with said first plane.

For these reasons, new claim 39 is allowable over Chung.

Claims 18 - 23, 32 - 34, and 38 are allowable for the same reasons as claim 39 as well as on their own accord.

With respect to the rejection of claims 35 - 37 on obviousness grounds, the Goff et al. patent does not cure the aforementioned deficiencies of Chung. Thus, claims 35 - 37 are allowable for the same reasons as claim 39.

New claim 40 is allowable because Chung does not disclose a plurality of substrate layers wherein each of said substrate layers abuts an adjacent substrate layer and has a size identical to a size of the adjacent abutting substrate layer.

New claim 41 is allowable because Chung does not disclose a device at least three abutting substrate layers.

For the foregoing reasons, the instant application is in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

A three month request for extension of time is enclosed herewith. The Director is hereby authorized to charge the extension of time fee in the amount of \$1,110.00 to Deposit Account No. 02-0184.

If any additional fees are required in connection with this response, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
Philippe Martin

By/Barry L. Kelmachter #29999/
Barry L. Kelmachter
Attorney for Applicant
Reg. No. 29,999
Tel: (203) 777-6628
Fax: (203) 865-0297
Email: docket@bachlap.com

Date: December 22, 2008